



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

December 9, 2021

Re: FOIA Request NLRB-2022-000221

Dear Mr. Michael Daniels:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on November 29, 2021, in which you seek the formal records in *ThyssenKrupp Stainless USA, LLC*, Case No. 15-CA-019693. You assumed financial responsibility for the processing of your request in the amount of \$1.00.

We acknowledged your request on November 24, 2021.

Your request is granted in part, and denied in part, as explained below.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search yielded only the unfair labor practice charge and the dismissal letter from the requested case file, which are attached.

Please note that given only two records were retrieved from the search, it appears that we no longer maintain or have access to the complete case file. The requested case closed in 2010, before the Agency's transition from paper files to our current electronic casehandling system, and some records may not have been uploaded during the transition period. Moreover, in accordance with the Agency's document retention and disposition policy, the standard retention period for all case files, except for a small number of cases selected for permanent retention because of their historical value, is six years after the calendar year in which a case is closed. A review of the list of permanently retained cases maintained by the Agency's Case Records Unit confirmed that Case 15-CA-019693 was not selected for permanent retention. Given the age of the case in these circumstances, the attached records are the only available records for this case.

After a review, I have determined that portions of the records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made

pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category D, the “all other requesters” category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Ed Hughes, the FOIA Attorney who processed your request, at (202) 273-1773 or by email at ed.hughes@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency’s FOIA Public Liaison is:

FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001

December 9, 2021

Page 3

Email: ogis@nara.gov

Telephone: (202) 741-5770

Toll free: (877) 684-6448

Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
Freedom of Information Officer

Attachment: (four pages)